THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19314 OF 2004

DATED:4.8.2005

Between:

Bhanupuri Super Bazar, Suryapet

…Petitioner

And

The Revenue Divisional Officer,

Suryapet, Nalgonda District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19314 OF 2004

ORDER:

First respondent herein, who is competent authority to appoint authorized fair price shop dealers under A.P.State Public Distribution System Control Order, 2001, issued notification No.D/55/04, dt.27.7.2004 inviting applications from eligible candidates to fill up vacancy of fair price shop No.3 of Suryapet, Nalgonda District. Assailing the same, Senior Sales Assistant of Bhanupuri Super Bazar, filed the instant Writ Petition.

It is the case of the petitioner that fair price shop No.3 of Suryapet was allotted to Bhanupuri Super Bazar and though there is no cancellation of authorization, illegally impugned notification is issued. It is alleged that in spite of efforts made by

deponent of the affidavit, the respondents did not furnish any proceedings canceling the authorization.

A counter affidavit is filed by Revenue Divisional Officer, Suryapet, Nalgonda District. It is stated that Bhanupuri Super Bazar, became defunct one year ago and that the Senior Sales Assistant, has been running the fair price shop. An allegation is made that the authorization of fair prince shop No.3, Suryapet, which was given to Bhanupuri Super Bazar, expired on 31.3.2002 and thereafter, the same was not renewed for which reason the impugned notification is issued.

The counter affidavit is filed along with W.V.M.P.No.1532 of 2005 on 16.6.2005. Thereafter, the matter came up before this Court on three occasions. In spite of the same, petitioner has not filed reply affidavit denying counter averments. Therefore, this Court holds that authorization for shop No.3 of Suryapet, which was earlier given to Bhanupuri Super Bazar expired on 31.3.2002 and therefore there is every justification for first respondent to fill up the vacancy. The Senior Sales Assistant of Bhanupuri Super Bazar, who filed the Writ Petition, cannot be said to be aggrieved by the notification.

The Writ Petition is therefore dismissed.

4.8.2005 (V.V.S.RAO, J)

bnr